

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NEODRON LTD.,

Plaintiff,

v.

DELL TECHNOLOGIES INC.,

Defendant.

Case No. 1:19-cv-00819-ADA

NEODRON LTD.,

Plaintiff,

v.

HP, INC.,

Defendant.

Case No. 1:19-cv-00873-ADA

NEODRON LTD.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 1:19-cv-00874-ADA

NEODRON LTD.,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 1:19-cv-00898-ADA

NEODRON LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendant.

Case No. 1:19-cv-00903-ADA

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Court's Order Governing Proceedings - Patent Case (Dkt. 31) the parties submit this Joint Claim Construction Statement. The claim terms identified below as agreed upon or being in-dispute are found in U.S. Patent No. 7,821,502 (the "'502 Patent"), U.S. Patent No. 8,946,574 (the "'574 Patent"), U.S. Patent No. 10,088,960 (the "'960 Patent"), U.S. Patent No. 9,086,770 (the "'770 Patent"), U.S. Patent No. 9,823,784 (the "'784 Patent"), U.S. Patent No. 8,451,237 (the "'237 Patent"), U.S. Patent No. 8,502,547 (the "'547 Patent"), U.S. Patent No. 9,489,072 (the "'072 Patent"), U.S. Patent No. 8,102,286 (the "'286 Patent") and U.S. Patent No. 10,365,747 (the "'747 Patent").

I. AGREED CONSTRUCTIONS, POINTS OF AGREEMENT, AND REQUEST FOR DETERMINATION AS PART OF *MARKMAN* PROCESS

	Claim Term	Patent(s) Claim(s)	Agreed Constructions¹
1	"wherein the plurality of first electrodes are formed from a piece of conductive mesh by creating a plurality of cuts in the piece of conductive mesh"	'770 Patent Claim 7	"product-by-process limitation, interpreted with its plain meaning"
2	"electrically coupled"	'502 Patent Claims 1-2, 5-8,	"connected with an electrical conductor"

¹ The agreement on the constructions applies only to the parties against whom the patents are asserted.

		11-14, 16	
3	“sensing cells”	’502 Patent Claim 1-2, 5-8, 11-14, 16	Plain and ordinary meaning, which is “sensing cells”
4	“key”	’286 Patent All claims	“a touchable portion of a mechanical to electrical transducing device that is non-bistable in nature. This term specifically excludes conventional mechanical switches in which two or more electrical conductors are moved into or away from contact with each other to make or break an electrical connection. A ‘key’ can also be a dimensional sensing surface such as an XY touch screen or a ‘trackpad’”
5	“biased in favor of”	’286 Patent Claims 1, 9, 10, 21	“biased or skewed in favor of, but not locked to”
6	“control logic”	’286 Patent Claims 1, 9	<p>Should be construed according to 35 U.S.C. § 112, para. 6</p> <p>Function: detect a sensor value of an inactive key surpassing a sensor value of an active key by a select amount and assigning the inactive key as the active key, wherein the key assignment is biased in favor of the currently active key by [increasing/decreasing] sensor values of the [currently active/inactive] keys.</p> <p>Corresponding Structure: microprocessor or microcontroller 18 programmed to execute the logical operations of figure 5A as described at 3:2-4, 5:49-55, 7:23-8:23, and 8:36-48, and equivalents thereof.</p>
7	“sensing element”	’547 Patent Claim 1	“physical electrical sensing element made of conductive substances”
8	“the substrate, with drive or sense electrodes of a touch sensor disposed on a first surface and a second surface of the substrate, the first surface being opposite the second surface, the drive or sense electrodes being made of a conductive mesh conductive material comprising metal”	’574 Patent Claims 1, 8	Plain and ordinary meaning, which is “the substrate, having a first surface and a second surface opposite the first surface, with drive electrodes of a touch sensor disposed on one of the first or second surfaces and sense electrodes of the touch sensor disposed on the other surface opposite the drive electrodes, the drive or sense electrodes being made of a conductive mesh conductive material comprising metal.”
9	“one or more of the following being true”	’960 Patent Claims 1, 9, 17	For claim 1: either the claim elements at lines 37-45 or the claim elements at lines 46-60 must be true.

			<p>For claim 9: either the claim elements at lines 26-35 or the claim elements at lines 36-50 must be true.</p> <p>For claim 17: either the claim elements at lines 30-37 or the claim elements at lines 38-52 must be true.</p>
10	“pitch”	’784 Patent Claims 1, 2, 3	Plain and ordinary meaning, which is “distance from the center of one electrode to the center of an adjacent electrode”
11	“entering a detect mode as a function of whether the received signals are determined to be representative of a finger touch or a stylus touch,” / “entering a detect mode as a function of whether the touch is interpreted as a finger touch or a stylus touch” / “enter a detect mode as a function of the type of touch determined”	’237 Patent Claims 1, 10, 16	Plain and ordinary meaning, which is “entering a particular detect mode depending on whether the received signals are determined to be representative of a finger touch or a stylus touch.”
12	“acquisition complete signal” / “sense acquisition complete signal”	’072 Patent Claims 1, 2, 3, 7, 9, 10, 11, 13	Plain and ordinary meaning, which is “a signal indicating the completion of the sensor acquisition duty cycle”
13	“enter/entering a detect mode...”	’237 Patent Claims 1, 9, 10	“entering a particular detect mode depending on whether the received signals are determined to be representative of a finger touch or a stylus touch”
14	“first variable resistance electrode”	’747 Patent Claims 10, 15, 16	Plain and ordinary meaning, which is “first electrode in which the resistance of the material varies in relation to applied force”
15	“conductive mesh [of] conductive material”	’574 Patent Claims 1, 8, 15	“conductive mesh of conductive material excluding transparent conductive materials such as indium tin oxide (ITO)”
16	“conductive mesh of conductive material”	’960 Patent Claims 1, 9, 17	“conductive mesh of conductive material excluding transparent conductive materials such as indium tin oxide (ITO)”
17	“interconnecting mesh segments”	’960 Patent Claims 1, 9, 17	“interconnecting lines of conductive electrode material forming a mesh pattern, instead of a continuous layer of conductive electrode material”

II. LIST OF DISPUTED CLAIM TERMS

	Claim Term	Patent(s) Claim(s)	Plaintiff's Proposal	Defendants' Proposal
1	“wherein the plurality of drive electrodes are substantially area filling within the sensing region relative to the plurality of sense electrodes”	'784 Patent Claims 1-3	Plain and ordinary meaning; no construction necessary: “wherein the plurality of drive electrodes are substantially area filling within the sensing region relative to the plurality of sense electrodes.”	Indefinite.
2	“together, the plurality of sense electrodes and the plurality of isolated conductive elements are substantially area filling within the sensing region relative to the plurality of sense electrodes”	'784 Patent Claims 1-3	Plain and ordinary meaning; no construction necessary; “together, the plurality of sense electrodes and the plurality of isolated conductive elements are substantially area filling within the sensing region relative to the plurality of sense electrodes.”	Indefinite.
3	“a substrate having a surface with an arrangement of electrodes mounted thereon”	'502 Patent Claims 1-2, 5-8, 11-14, 16	Plain and ordinary meaning; no construction necessary: “a substrate having a surface with an arrangement of electrodes mounted thereon”	Plain and ordinary meaning, which is “a substrate having a side with an arrangement of electrodes mounted thereon”

	Claim Term	Patent(s) Claim(s)	Plaintiff's Proposal	Defendants' Proposal
4	"sensing area"	'502 Patent Claims 1-2, 5-8, 11-14, 16	"an area defined by the sensing cells"	"an area defined by the sensing electrodes"
5*	"wherein row sensing electrodes of sensing cells at opposing ends of at least one of the rows are electrically coupled to one another by respective row wrap-around connections made outside of the sensing area"	'502 Patent Claims 1-2, 5-8, 11-14, 16	Plain and ordinary meaning, which is "wherein row sensing electrodes of sensing cells at opposing ends of at least one of the rows are electrically coupled to one another by respective row wrap-around connections made outside of the sensing area"	Plain and ordinary meaning, which is "wherein row sensing electrodes of sensing cells at opposing ends of at least one of the rows are electrically coupled to one another by respective row wrap-around connections made outside of the sensing area"
6	"sensor value"	'286 Patent Claims 1, 3-5, 8-10, 12-13, 15-17, 20- 21, 23-24	Plain and ordinary meaning, which is "sensor signal value"	Plain and ordinary meaning: "value indicating the strength of the sensor signal"

* Defendants' statement: Although Neodron has indicated that it "no longer believes there is any meaningful dispute between the parties" and has agreed to adopt the claim language as its construction, Neodron has also represented that it has not changed its position on this term. Defendants therefore believe that the meaning of this term is still in dispute.

* Neodron's statement: Based on Defendants' claim construction briefing, Neodron no longer believes there is any meaningful dispute between the parties on the plain meaning of this term. *See, e.g.*, Defs.' Resp. Br. at 25 ("a row wrap-around connection is a connection that wraps around a row..."); Defs.' Reply Br. at 20 ("the claim recites 'row wrap-around connections,' which requires a connection that wraps around the other electrodes in the row (i.e., the electrodes other than the two electrodes connected via the wrap-around connection."); Defs.' Resp. Br. at 25 ("the row-wrap-around connection must be made 'outside of the sensing area....'"). Neodron therefore has agreed to Defendants' proposed claim language, which is the original, verbatim claim language as shown in Row 5 above.

	Claim Term	Patent(s) Claim(s)	Plaintiff's Proposal	Samsung's Proposal
7	“to measure a parameter of the first variable resistance electrode”	'747 Patent Claims 10, 16	Plain and ordinary meaning; no construction necessary: “to measure a parameter of the first variable resistance electrode”	Plain and ordinary meaning: “to measure a value determined by the resistance of the first variable resistance electrode”

Dated: June 12, 2020

Respectfully submitted by:

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CERTIFICATE OF SERVICE

I certify that the foregoing document was electronically filed on June 12, 2020, pursuant to Local Rule CV-5(a) and has been served on all counsel whom have consented to electronic service. Any other counsel of record will be served by first class U.S. mail on this same date.

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